



PUBLIC NOTICE

Federal Communications Commission
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DA 18-495

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TELECOMMUNICATIONS RELAY SERVICES AND SPEECH-TO-SPEECH SERVICES FOR INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES

Individual IP CTS Provider Cost and Demand Data to be Placed in the Record Subject to *Second Protective Order*

CG Docket No. 03-123

On May 4, 2018, Rolka Loube Associates LLC, (Rolka Loube), submitted its 2018 TRS Rate Report to the Federal Communications Commission (FCC or Commission), containing recommendations for TRS provider compensation rates, the funding requirement, and the carrier contribution factor for the period from July 1, 2018, through June 30, 2019 (2018-19 Fund year), for TRS compensated by the Interstate TRS Fund (Fund).¹ Rolka Loube submitted both a public and confidential version of the report. On May 14, 2018, the Consumer and Governmental Affairs Bureau (CGB) of the Commission released a public notice seeking comment on these recommendations.²

The Commission intends on examining the confidential portions of the 2018 TRS Rate Report to assist it in its open rulemaking to address the appropriate compensation methodology for Internet Protocol Captioned Telephone Service (IP CTS).³ Accordingly, the Commission intends to place into the record the confidential version of the 2018 TRS Rate Report subject to the provisions of the *Second Protective Order*.⁴

The confidential version of Exhibit 1-3.1 of the 2018 TRS Rate Report includes Fund Year 2018-19 estimates for minutes, revenue, revenue requirements, profit, expenses, and the operating margin for each IP CTS provider.⁵ The Commission has recognized that such detailed data generally should be treated as confidential and exempt from public disclosure under 5 U.S.C. § 552(b)(4). Accordingly, Exhibit 1-3.1 will be designated as Highly Confidential under the *Second Protective Order* and will not be available to the general public. Outside counsel and outside consultants participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the *Second Protective Order* may review

¹ Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51 (filed May 4, 2018) (2018 TRS Rate Report).

² *Rolka Loube Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the 2018-2019 Fund Year*, Public Notice, DA 18-494 (CGB May 14, 2018).

³ *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420, 13472-79, paras. 111-27 (2013).

⁴ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Protective Order, 27 FCC Rcd 5914 (CGB 2012) (*Second Protective Order*).

⁵ 2018 TRS Rate Report, Attach. at Exh. 1-3.1.

the confidential version of Exhibit 1-3.1 in accordance with the terms of the *Second Protective Order*.⁶ We emphasize that persons seeking to review the confidential version of Exhibit 1-3.1 may do so only for purposes of participating in this proceeding and that they must have adequate protections in place to prevent improper use or disclosure of the information.⁷

Affected parties have until 10 calendar days from release of this PN to oppose placing the confidential version of Exhibit 1-3.1 into the record subject to the *Second Protective Order*. In addition, affected parties will have five business days after the filing of an Acknowledgment of Confidentiality to object to the release of the data to a particular person who requests permission to review it.⁸

If the Commission receives no opposition from affected parties by 10 calendar days from release of this PN, the Commission will place the confidential version of Exhibit 1-3.1 into the record subject to the safeguards contained in the *Second Protective Order*. If disclosure is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply. All filings should refer to CG Docket No. 03-123.

Under the Commission's current procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (i.e., through ECFS) or by hand delivery to the Commission.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

This action is taken pursuant to sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.361 of the Commission's rules, 47 CFR § 0.361, and is effective upon its adoption.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

⁶ See *Second Protective Order*, 27 FCC Rcd at 5922, Appendix B.

⁷ See *Second Protective Order*, 27 FCC Rcd at 5919, para. 14.

⁸ See *Second Protective Order*, 27 FCC Rcd at 5917, para. 7.

For further information, contact Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at Michael.Scott@fcc.gov or (202) 418-1264, or Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at Eliot.Greenwald@fcc.gov or (202) 418-2235.

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